

Appl. No. 10/804,626
Amdt. dated 03/17/2006
Reply to Office Action of 11/17/2005

REMARKS/ARGUMENTS

This application has been carefully reviewed in light of the Non-Final Office Action dated November 17, 2005. By way of this amendment, claims 1, 8, 9, and 14 have been amended. Claims 16 and 17 stand withdrawn. Claims 1-15 are currently pending in the application. Further review is requested in light of the following remarks.

Applicant appreciates the courtesies extended by the Examiner in a personal interview with Brandon Trego and Jonathan Hines on March 10, 2006. During the interview, proposed amendments to claims 1, 8, and 14 were discussed, and it was agreed that the proposed amendments overcome the current rejection of record. Those amendments are incorporated herein.

The Examiner has issued a restriction requirement between Claims 1-15, drawn to the backflow prevention apparatus, classified in class 137, subclass 512.00; and Claims 16-17, drawn to the endless resilient seal, classified in class 105, subclass 377.07. A provisional election to prosecute Group 1, claims 1-15 was made without traverse in a telephone call to W. Thad Adams, III on November 8, 2005. That election is hereby affirmed. Claims 1-15 are elected and claims 16-17 withdrawn.

Claim 8(d) has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Examiner has stated that "it is unclear by what is meant by the claimed limitation, 'a pair of spaced apart valve housing flanges

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carried by the cylindrical valve housing being spaced apart by a second width, wherein the first width is greater than the second width.' Further it is unclear as to the location of the first and second widths where, 'a pair of spaced apart valve housing flanges carried by the cylindrical valve housing being spaced apart by a second width, wherein the first width is greater than the second width.'"

As discussed in the above-noted interview, the first width as recited in 8(b) is the inside dimension between the flanges of the cover. This is discussed in paragraph [0040] which states, "The width is measured from cover flange 18 located at one extreme end of the cover to cover flange 19 located at an opposite extreme end of the cover." The second width is the dimension between the housing flanges measured from the outside surface of the pipe. This is clearly shown in Figure 1 where the inside dimension of the cover between the flanges is greater than the outside diameter of the pipe.

Claims 1, 2, 4, 5, 8, 9, 10, 11, 14, and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sisk (6,679,289) in view of Bateson (4,461,219). These rejections are respectfully traversed in light of the present amendment.

Claims 1, 8, and 14 have been amended to further clarify the structure of the valve housing and cover. Specifically, claims 1, 8, and 14 now recite that the valve housing has spaced-apart inlet and outlet ports, a cylindrical peripheral wall disposed between the inlet and outlet ports, and an access port formed in the peripheral wall for removal and reinstallation of an internal mechanism without the removal of the valve housing from a piping system.

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Neither Sisk or Bateson disclose a valve housing having a cylindrical peripheral wall disposed between inlet and outlet ports with an access port formed in the cylindrical portion of the wall. Sisk discloses an access port with a planar contact surface, positioned in a top of a valve housing. The access port is not formed in a cylindrical peripheral wall as recited and shown in Figure 2 of the present application. Bateson discloses a hatch cover for covering an inlet/outlet of a hatch. The hatch is accessed through the end of the cylinder, and the hatch interface is planar, as is the case with Sisk.

Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Sisk and Bateson and further in view of Liljegren (1,672,572).

Claims 6, 7, 12, and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sisk and Bateson and further in view of Morvant (5,615,896).

Claims 2-7 depend from independent claim 1, and are thus believed to be allowable for the reasons stated above.

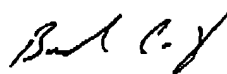
Claims 9-13 depend from independent claim 8, and are thus believed to be allowable for the reasons stated above. Additionally, claim 9 has been corrected to recite that the width of the cover is greater than twice the height, consistent with the specification. Neither Sisk or Bateson disclose a cover with a width greater than twice the height, in combination with the other elements recited in claim 8.

Claim 15 depends from independent claim 14, and is thus believed to be allowable for the reasons stated above.

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In view of the above, it is submitted that the claims are in condition for allowance.
Reconsideration of the rejections is requested. Allowance of claims 1-15 at an early date
is solicited.

Respectfully submitted,



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